

REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Office Action dated March 11, 2004.

INFORMATION DISCLOSURE STATEMENT

The documents referred to by the Examiner are copending patent applications filed by the present Applicant. They do not form part of the relevant prior art. Accordingly, it is respectfully submitted that an Information Disclosure Statement is unnecessary in the circumstances.

AMENDMENTS

1. The missing application/grant numbers on pages 1, 2, 4 and 6 of the specification have been inserted and our docket numbers on pages 1, 2, 3, 4, 5, 6, 7, 15 and 16 have been deleted.
2. The term "date" in claim 1 has been replaced with "data". This is to correct an obvious typographical error.
3. Claims 4, 5 and 8 have been deleted.
4. Claim 9 has been made dependent on claim 7. This is to correct an obvious typographical error.

CLAIM REJECTIONS - 35 USC § 112

Claims 4 and 5 have been deleted. Accordingly, the Examiner is requested to withdraw her objection to these claims.

CLAIM REJECTIONS - 35 USC § 103

The Applicant contests the Examiner's assertion that the present invention is obvious in view of Kuchta et al (US 5,164,831), and further in view of Soscia (US 5,996,893) and Nelson et al (US 6,191,406).

As the Examiner is evidently aware, the present invention relates generally to a process for printing out a transformed photographic image on a surface, and simultaneously printing on the same surface an invisible fault tolerant digital code corresponding to that image together with the original image data. The invisible code allows, for example, the image to be conveniently transmitted over a digital telecommunication network (see page 6, lines 26-27 of the present application). Moreover, the fault tolerant code means that the original digital code for the photograph may be transmitted perfectly, even if faults (such as scratch marks and the like) exist on the printed photographic image. The recipient would not receive the same scratch marks which existed on the original printed photographic image; he would receive a perfect image from the invisible fault tolerant digital data. Clearly, the invention has enormous benefits in an era where rapid and accurate communication of digital image data is desired.

In the specific form of the invention claimed, the fault tolerant image data comprises the original image data and a transformed version thereof. The transformed version have, for example, colour enhancement, contrast enhancement etc.

Kuchta et al. (US 5,164,831)

The Applicant concurs with the Examiner's view that Kuchta et al. makes no mention whatsoever of transforming a digital image code into a fault tolerant image code and printing this fault tolerant code over a photograph in invisible ink.

Soscia (US 5,996,893)

As regards Soscia, the Applicant disagrees with the Examiner's view that the skilled person would find it obvious to simultaneously print an invisible fault tolerant image code when printing out a photographic image. Soscia only discloses printing *audio* data over the top of a photographic image. Soscia makes no suggestion of printing invisible *image* data.

Whilst it may be intuitive to attempt to convey further information (*e.g.* audio data) in an invisible encoded form over a photograph, it is, in the Applicant's submission, entirely counterintuitive to print an invisible code over a printed image where the invisible code corresponds to the printed image. Moreover, there is nothing in Soscia that would motivate the skilled person to do so. It is only with the benefit of hindsight and with knowledge of the present invention that the skilled person would conceive of printing corresponding invisible image data over the top of a photographic image.

The Applicant has realized the need for electronically transmitting digital image data from paper-based data sources in an accurate way. Furthermore, the Applicant has realized the advantages of using a fault tolerant code so that imperfections in the printed image are not transferred when the invisible image code is read. The prior art makes no mention of the need for invisible image data in photographs, neither does it suggest that such data, in a fault tolerant form, would be advantageous. Accordingly, it is submitted that the present invention is not obvious in view of Soscia or Kuchta et al.

Nelson et al (US 6,191,406)

As regards Nelson et al, this document says little more than the disclosure of Soscia. Nelson describes storing audio data in an invisible encoded form over a photographic image, but makes no mention of storing corresponding *image* data in an invisible encoded form. Again, it is stressed that it would be counterintuitive to do so without knowledge of the present invention. Accordingly, it is submitted that the present invention is not obvious in view of Nelson for at least the same reasons as those given above.

Finally, the Applicant wishes to point out that the Examiner has found it necessary to combine *three* separate prior art documents in order to construct a tenuous argument of obviousness. The Examiner has not adequately explained why the skilled person would *a priori* mosaic these three separate prior documents. Furthermore, it is submitted that combining three documents when constructing an argument of obviousness is *prima facie* an indication of reliance on hindsight.

The Examiner is kindly requested to withdraw her objection that claim 1 is obvious in light of the above. Furthermore, since claim 1 is considered not to be obvious, it is submitted that the remaining claims are, likewise, not obvious in light of the prior art. Accordingly, the Examiner is kindly requested to withdraw her objections against claims 2 to 9.

DOUBLE PATENTING

In response to the Examiner's provisional objection of obviousness-type double patenting over US 6,496,654, the Applicant files herewith a terminal disclaimer.

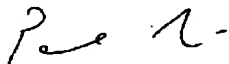
It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

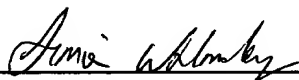
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